

1 Patricia S. Waldeck, State Bar No. 2640  
2 7881 West Charleston Blvd., Suite 210  
3 Las Vegas, NV 89117  
4 Phone: (702) 658-6100  
5 Fax: (702) 658-2502  
6 Email: [pswaldeck@cs.com](mailto:pswaldeck@cs.com)

7 Mark H. Lipton, State Bar No. 8160  
8 1380 Lead Hill Blvd., Suite 106  
9 Roseville, CA 95661  
10 Phone: (916) 652-2221  
11 Email: [liptonapc@aol.com](mailto:liptonapc@aol.com)

12 Eileen M. Bissen, *pro hac vice*  
13 Neyhart, Anderson, Flynn & Grosboll, APC  
14 369 Pine Street, Suite 800  
15 San Francisco, CA 94104  
16 Phone: (415) 677-9440  
17 Fax: (415) 677-9445  
18 Email: [ebissen@neyhartlaw.com](mailto:ebissen@neyhartlaw.com)

19 *Attorneys for Plaintiff*  
20 *Amalgamated Transit Union, Local 1637*

21  
22 **IN THE UNITED STATES DISTRICT COURT**  
23 **DISTRICT OF NEVADA**  
24 **SOUTHERN DIVISION**  
25

26 **AMALGAMATED TRANSIT UNION,** ) **Case No. 2:11-CV-01986-JCM (CWH)**  
27 **LOCAL 1637,** )  
28 ) **[PROPOSED] ORDER**  
29 )  
30 **Plaintiff,** )  
31 **v.** )  
32 )  
33 **VEOLIA TRANSPORTATION** )  
34 **SERVICES, INC.** )  
35 )  
36 **Defendant** )  
37 )  
38 )

39 NEYHART,  
40 ANDERSON,  
41 FLYNN &  
42 GROSBOLL  
43 ATTORNEYS AT LAW

44 [PROPOSED] ORDER

1 A discovery hearing was held on May 15, 2012 before the Honorable Magistrate Judge  
 2 Carl W. Hoffman in the above-referenced court. Eileen M. Bissen appeared on behalf of  
 3 Amalgamated Transit Union, Local 1637 ("Plaintiff"), and Peter Goatz appeared on behalf of  
 4 Veolia Transportation Services, Inc. ("Defendant") at that hearing. The Honorable Magistrate  
 5 Judge Carl W. Hoffman ordered the parties to file, by the close of business on May 25, 2012, a  
 6 Stipulation and Proposed Order which includes an agreement as to the scope of the review of the  
 7 arbitrator's decision, when the administrative record shall be produced, and the timeline for the  
 8 related briefing schedule.

9  
 10 The parties were unable to agree upon a stipulation and proposed order, as explained in the  
 11 Declaration of Eileen M. Bissen (hereafter referred to as "Bissen Decl."), filed concurrently  
 12 herewith. Plaintiff, by and through its counsel, therefore hereby submits its proposed order for  
 13 consideration and requests that the Honorable Magistrate Judge Carl W. Hoffmann approve of and  
 14 adopt it.

### 15 [PROPOSED] ORDER

16  
 17 1. SCOPE OF THE REVIEW OF THE ARBITRATOR'S DECISION. The court's  
 18 power shall be limited to vacating the underlying arbitration decision, in the event this court  
 19 deems it appropriate to do so based on the forthcoming briefing by the parties. This court does not  
 20 have the power or authority to reinstate the grievant in the underlying arbitration case giving rise  
 21 to this one, but only to remand the case to arbitration for decision, in the event this court vacates  
 22 the decision and award. Accordingly, discovery is not necessary at this time and shall be stayed  
 23 until after the court's decision regarding whether or not the underlying arbitration award should be  
 24 vacated.

25  
 26 NEYHART,  
 27 ANDERSON,  
 28 FLYNN &  
 GROSBOLL  
 ATTORNEYS AT LAW

[PROPOSED] ORDER

1           2.     TIMELINE FOR PRODUCTION OF ADMINISTRATIVE RECORD.     The  
2 administrative record for this case shall be submitted no later than Friday, June 15, 2012.

3           3.     TIMELINE FOR BRIEFING SCHEDULE.     The parties shall adhere to the  
4 following briefing schedule: Plaintiff's motion to vacate the underlying arbitration award shall be  
5 filed on or before Friday, June 29, 2012; Defendant's opposition to Plaintiff's motion shall be filed  
6 no more than thirty (30) days after Plaintiff's motion is filed; Plaintiff's reply to Defendant's  
7 opposition, if Plaintiff deems it necessary to file a reply, shall be filed no more than fifteen (15)  
8 days after Defendant's files its opposition.  
9  
10  
11  
12

13                                   **IT IS SO ORDERED.**

14  
15                                   \_\_\_\_\_  
16                                   **HON. MAGISTRATE JUDGE CARL W. HOFFMAN**

17                                   Dated: \_\_\_\_\_, 2012  
18  
19  
20  
21  
22  
23  
24  
25

26     NEYHART,  
27     ANDERSON,  
28     FLYNN &  
   GROSBOLL  
   ATTORNEYS AT LAW

\_\_\_\_\_  
[PROPOSED] ORDER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25<sup>th</sup> of May, 2012, I caused a true and correct copy of the following document to be served upon the counsel listed herein via the court general Notice of Electronic Filing and the ECF system:

[PROPOSED] ORDER

**Anthony Zmaila**

Anthony A. Zmaila Limited PLLC  
265 E Warm Springs Rd.  
Suite 100  
Las Vegas, NV 89119  
Email: usdcecf.aaznevada@gmail.com

**Gina Moshiri**

McMahon Berger, PC  
2730 North Ballas Road  
St. Louis, mo 63131  
Email: moshiri@mcmahonberger.com

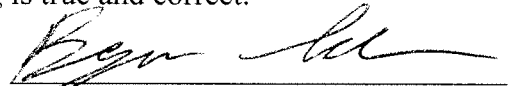
**James N. Foster , Jr.**

McMahon Berger, P.C.  
2730 N. Ballas Road  
Suite 200  
St. Louis, MO 63131  
Email: foster@mcmahonberger.com

**Peter J Goatz**

Anthony A. Zmaila Limited PLLC  
265 E. Warm Springs Road  
Las Vegas, NV 89119  
Email: peter@aaznevada.com

I declare under penalty of perjury that the foregoing is true and correct.

  
An employee of Neyhart, Anderson,  
Flynn and Grosboll

NEYHART,  
ANDERSON,  
FLYNN &  
GROSBOLL  
ATTORNEYS AT LAW

[PROPOSED] ORDER